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SEP 21 2004

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In re Application of:

Tommy Lee Davis, Jr. et al.

: NOTIFICATION OF

Serial No. 10/038,292

: IDENTIFICATION OF PRIOR

Filed: January 4, 2002

: ART IN LATE FILED PROTEST

For: EQUIPMENT MANAGEMENT SYSTEM : UNDER 37 CFR 1.129(a)

:

The protest filed July 15, 2004 under 37 CFR 1.291 was filed after the July 10, 2003 publication date of the application.

Because the protest was filed after publication of the application, it is untimely and it is not being entered in the application file. The original protest is enclosed with this letter in accordance with MPEP 1901.06, Protest Filed After Allowance or Publication of the Application.

If appropriate, applicant may wish to consider submitting prior art from the protest pursuant to 37 CFR 1.97 and 37 CFR 1.56 during the prosecution of the application.

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SM/SM: 9/19/04

Enclosure: Protest filed under 37 CFR 1.291(a)